



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM: *DMA* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *The Verizon Telephone Companies v. FCC & USA*, No. 04-1115. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: April 21, 2004

This is to advise you that, on April 1, 2004, the Verizon Telephone Companies filed a Petition for Review in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. § 402(a), of the following orders: *Stale or Moot Docketed Proceedings*; *1993 Annual Access Tariff Filings Phase I*; *1994 Annual Access Tariff Filings*; *AT&T Communications Tariff F.C.C. Nos. 1 and 2, Transmittal Nos. 5460, 5461, 5462, and 5464 Phase II*; *Bell Atlantic Telephone Companies Tariff F.C.C. No. 1, Transmittal No. 690*; *NYNEX Telephone Companies Tariff F.C.C. No. 1, Transmittal No. 328*, CC Docket Nos. 93-193, 94-65 and 94-157, Order, Notice, and Erratum, 18 FCC Rcd 2550 (2003), *recon. denied*, 19 FCC Rcd 2527 (2004).

The Commission in the order on review affirmed the staff's correction of the inadvertent termination of a tariff investigation involving claims for exogenous treatment under price cap regulation of the costs associated with employment benefits other than pensions ("other post-retirement employee benefits" or "OPEBs").

The Court has docketed this case as No. 04-1115. The attorney assigned to handle the litigation of this case is Laurel R. Bergold.